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U.S. DISTRICT COURT

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DISTRICT OF UTAH

BY: \_\_\_\_\_  
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James Arnett  
Plaintiff, In Propria Persona (I.F.P.)  
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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

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JAMES ARNETT,

Plaintiff,

v.

BENJAMIN SNOW HOWARD;  
LIFELINE MEDIA LLC, a Utah  
entity; NATIONWIDE AFFORDABLE  
HOUSNG, a Texas corporation; and the  
BEN HOWARD TRUST, an Idaho  
trust,

Defendants.

**REPLY**

Presiding Judge Ted Stewart

Magistrate Judge Dustin Pead

Case 2:13-CV-00591-TS-DBP

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Plaintiff James Arnett herein replies to Defendants' Opposition [Doc. 84]  
to Plaintiff's Motion [Doc. 83].

Whereas, Defendants offer an argument in opposition, it is based on several erroneous assumptions and attempts to mischaracterize the modification of an Order (permissible under Federal Rule of Civil Procedure 60a), by extensively arguing against their own “motion for reconsideration”.

For the lack of any meaningful argument, Defendants, in essence, offered this “strawman” argument, with the following disclaimer, “*Regardless of how the Motion is titled, it fails to establish a valid basis for relief and should be denied by this Court.*” [Doc. 84, ¶2]. The Defendants' argument is frivolous, at best.

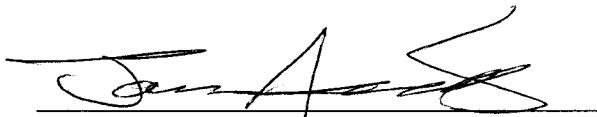
Federal Rule of Civil Procedure 60a provides for Relief from a Judgment or Order. Specifically, “(a) *CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record. The court may do so on motion or on its own, with or without notice.*”

Plaintiff very clearly established a valid basis for Relief, based on the fact that Plaintiff's Complaint does not contain any allegation that Defendant Howard “*fraudulently obtained the temple recommend*” [Doc. 82, page 2, ¶2], from which to Dismiss his First Fraud Claim.

This pivotal allegation, which Plaintiff never made anywhere within his Complaint, appears to be an oversight – and the resulting Order [Doc. 82] may be corrected in a modification made to the Order [Doc. 82], as provided by Rule 60a.

Wherefore, regardless of the frivolous machinations of Defendants, this honorable Court should review Plaintiff's Motion [Doc. 83] on its merits.

Respectfully submitted this 29<sup>th</sup> day of April 2014.

A handwritten signature in black ink, appearing to read 'James Arnett', written over a horizontal line.

James Arnett, In Propria Persona (I.F.P.)

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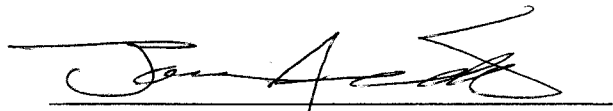
**CERTIFICATE OF SERVICE**

I hereby certify that on this 29<sup>th</sup> day of April 2014, I mailed the preceding  
REPLY to the Office of the Clerk of the United States Court for the District of Utah:

U.S. Court for the District of Utah  
350 South Main Street  
Salt Lake City, Utah 84101

I also hereby certify that I have mailed these identical materials via United States  
Postal Service, to the following Attorneys for Defendants Howard, et al.:

TYCKSEN & SHATTUCK, LLC  
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